

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

PFIZER INC.,  
PHARMACIA & UPJOHN COMPANY LLC, and  
PFIZER HEALTH AB,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

No. 08-CV-1331 (DMC) (MF);

No. 08-CV-2137 (DMC) (MF)

PFIZER INC.,  
PHARMACIA & UPJOHN COMPANY LLC, and  
PFIZER HEALTH AB,

Plaintiffs,

v.

IMPAX LABORATORIES, INC.

Defendant.

**STIPULATED ORDER CONCERNING CERTAIN DISCOVERY DISPUTES**

The parties in the above-captioned litigation have met and conferred regarding certain pending discovery disputes. Plaintiffs Pfizer Inc., Pharmacia and Upjohn Co. LLC, Pfizer Health AB ("Pfizer") and Impax Laboratories, Inc. ("Impax") have reached agreement with regard to one of those disputes and have agreed that two other disputes are not currently ripe, as outlined below.

1. In the above-captioned consolidated actions, Pfizer hereby agrees and stipulates, pursuant to the provisions below, to not pursue certain discovery noticed to Impax and thus resolve an issue raised by Impax's Motion for Protective Order filed January 12, 2010. Specifically, Pfizer had requested a 30(b)(6) deponent and documents concerning the sales and marketing of a branded drug product (Carbatrol®) that Impax has assisted the NDA holder to sell (*see, e.g.*, Topics 24 and 25 in Pfizer's 30(b)(6) notice to Impax and Pfizer's document requests 79-80 to Impax). Impax has indicated that Impax does not own the branded product, essentially operated as a contract sales force for the company owning the branded product, and thus did not operate in the same fashion as a company owning a branded product. Based on these indications, Pfizer agrees and stipulates that it will forego the requested discovery on Carbatrol® from Impax. Based on this stipulation, Impax stipulates that its request for a protective order on this area of discovery is moot.

2. Pfizer has served discovery requests on Impax seeking discovery on (a) any consideration or evaluation by Impax of urinary incontinence or overactive bladder drug products that do not contain tolterodine (*see, e.g.*, Topics 4, 6, 12, 13, and 18-20 in Pfizer's 30(b)(6) notice to Impax), and (b) issues relating to any prospective commercial launch by Impax (*see, e.g.*, Topics 16 and 22 in Pfizer's 30(b)(6) notice to Impax). Pfizer has represented to Impax that, based on the current circumstances, it does not presently intend to pursue discovery on these two areas from Impax, though it reserves the right to do so if circumstances change. Based on Pfizer's representation, Impax is not asking the Court for a protective order with respect to these areas of discovery at this time, and the parties agree that any disputes between them over these two areas of discovery are not ripe. If Pfizer later does pursue discovery on these areas from Impax, Impax reserves the right to move for a protective order, at

which time it may present to the Court its own unique arguments – which are specific to Impax –  
for why discovery on these areas should not go forward with respect to Impax.

Dated: January 25, 2010

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SO ORDERED:

Dated: 3/15/09



Mark Falk, U.S.M.J.